

Finding Your Way

Guides for Fathers in Child Protection Cases

CASEWORKER

- Duties**
- Arranges and oversees all services you and your child receive.
 - Develops a case plan for you and your child to maintain a relationship or for you to obtain custody of your child, including timelines and who will provide or pay for services.
 - Arranges for visits between you and your child.
 - Finds a place for your child to live if he or she can't be with you or the child's mother.
 - Discusses the case with you and how your child is doing.
 - Reports to the court on how your family's case progresses.
 - Recommends to the court what should happen in the case regarding your child's placement, services, and visitation.

COURT STAFF

Court clerk

- Duties**
- Sits in the courtroom and assists the judge during the hearing.
 - Receives all documents, petitions, and motions to place in the court file.
 - Helps schedule future court dates.

Court reporter

- Duties**
- Records everything said during court hearings so the judge and parties can review and use it later.
 - If there is no court reporter, the courtroom may have a system that records all courtroom conversations.

Court bailiff/deputy

- Duties**
- Protects the peace and ensures order in the courtroom.

OTHER COURTROOM PARTICIPANTS

Other people may also attend some hearings. They may only participate as witnesses at trials. At other hearings, they may provide information about how the case is going. They include:

- **Service providers**—individuals working with you, your child or the child's mother, such as therapists, mentors, tutors or caseworkers providing a specific service to you or your child (e.g., job counseling, anger management, or parenting skills).
- **Child's caregivers**—your child's foster parents or current caregivers.
- **Relatives**—your relatives or the mother's relatives, particularly if they are seeking custody of the child.
- **Your significant other**—if you request it and the court allows it.
- **Child's mother's significant other**—if she requests it and the court allows it.

Guide 3.2

Who Will Be In Court?

About the guides

This is one in a series of guides that give you tips to help you and your child throughout the court case. The guides include:

Guide 1: Your rights and responsibilities

Guide 2: How to work with your lawyer

Guide 3: Your role in court

3.1: The court process

3.2: Who will be in court

3.3: Common court terms

Guide 4: Your role outside court

Guide 5: When you owe child support

Guide 6: If you are or have been in prison

Keep these guides in a safe place. Review them before you attend a court hearing or meeting. Check the guides to see which one(s) will help you as you prepare for that court date or meeting.

This guide provides general information, not legal advice. If you have case-specific or legal questions, ask your lawyer or caseworker.



Who Will Be In Court?

You're a dad who does not live with your child. You learn your child is involved in a court case because of suspected abuse or neglect. Even if you weren't your child's caretaker, or don't see your child often, there are many things you and your relatives can do in court to help keep your child safe and ensure he or she is reunited with family quickly.

When you will need this guide

- ✓ Use it to **help you recall who will be in court and what they are supposed to do.**
- ✓ Review this guide before court hearings.

Who Attends Court Hearings and What Do They Do?

JUDGE/MAGISTRATE (sometimes called a referee or master)

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|---------------|--|
| Role | Oversees and is in charge of the court hearings. |
| Duties | <ul style="list-style-type: none">• Must be objective and neutral (not biased).• Makes decisions about your child's placement, services for you and your child, and who your child visits.• Decides whether your child will live with you, the child's mother, a relative (yours or the mother's), or in foster care.• Decides the plan for your case so you (and your relatives) can maintain a relationship with your child and possibly obtain custody.• Decides where your child can permanently live and whether you can keep your rights as his or her parent. |

LEGAL ADVOCATES

Your lawyer

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| Role | Tells the court and parties what you want. Attends all court hearings. |
| Duties | <ul style="list-style-type: none">• Explains to you your rights and responsibilities.• Argues for what you want in court and in meetings.• Spends time with you before court hearings.• Explains what is happening in court and what to expect next in the process. |

Mother's lawyer

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| Role | Represents your child's mother just as your lawyer represents you. |
| Duties | <ul style="list-style-type: none">• Performs all duties listed above for the <i>mother</i>, not for you. |

Agency's lawyer

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| Role | Represents the government's position in your child's case. |
| Duties | <ul style="list-style-type: none">• Represents the caseworker.• Argues for the caseworker's positions in court and in meetings. |

Child's advocate*

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| Role | Advocates for your child. |
| Duties | <ul style="list-style-type: none">• A guardian ad litem (GAL) attorney advocates for what is in your child's best interest.• A court appointed special advocate (CASA) (called a GAL volunteer in some states) argues for what is in your child's best interest and is a volunteer from the community who is probably not an attorney.• A child's attorney will argue for what your child says she or he wants, unless the child is too young to carry on a conversation or is not developmentally able to share his or her opinions about the case, in which case the child's attorney will argue for what is in your child's best interest. |

- * In some cases the child may have:
- an attorney and a court appointed special advocate (CASA),
 - just an attorney, or
 - just a CASA.

What type of attorney is assigned to the child, or whether the child gets a CASA or some combination of court-appointed representation, depends on your state's laws and policies.

